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BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			DANIELSEN, NATHAN ANDREW	
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			2627	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

## Office Action Summary

Application No.

10/670,332

Applicant(s)

PARK ET AL.

Examiner

Nathan Danielsen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1)  Responsive to communication(s) filed on 27 February 2009.
- 2a)  This action is **FINAL**.                      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4)  Claim(s) 1,2,5,8-11,16-18,21-25,31-33,36 and 37 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1,2,5,8-11,16-18,21-25,31-33,36 and 37 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \*    c)  None of:
- Certified copies of the priority documents have been received.
  - Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/27/09, 04/24/09, &amp; 05/18/09</u> . | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

1. Claims 1, 2, 5, 8-11, 16-18, 21-25, 31-33, 36, and 37 are pending. Claims 3, 4, 6, 7, 12-15, 19, 20, 26-30, 34, 35, and 38 have been canceled in applicant's amendment filed 27 February 2009.

#### ***Double Patenting***

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1, 2, 5, 16, 17, 21, 24, 25, 31, 32, 36, and 37 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 7,233,550, in view of Ito et al (US Patent 5,715,221; hereinafter Ito '221).

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Regarding claims 1, 21, and 36, US Patent 7,233,550 claims a method for managing an optical recording medium (and associated optical recording medium and an apparatus for managing an optical recording medium) having at least one temporary defect management area (TDMA) and at least one defect management area (DMA) (claims 1, 10, and 11), said method comprising:

writing the defect management information written in the at least one temporary defect management area to the at least one defect management area when the optical recording medium is to be finalized (claim 1).

However, US Patent 7,233,550 does not claim where the optical recording medium has at least one spare area and where the method comprises:

writing data written in a defective area to the at least one spare area as replacement data if the defective area within a data area of the optical recording medium is detected; and writing defect management information in the at least one temporary defect management area for access to the data written in the spare area, wherein said defect management information includes location information indicating a next available address of the at least one spare area.

In the same field of endeavor, Ito '221 discloses where the optical recording medium has at least one spare area (figure 11C) and where the method comprises:

writing data written in a defective area to the at least one spare area as replacement data if the defective area within a data area of the optical recording medium is detected (col. 2, lines 1-8); and writing defect management information in the at least one temporary defect management area for access to the data written in the spare area (col. 10, lines 5-13), wherein said defect management information includes location information indicating a next available address of the at least one spare area (col. 14, lines 18-29 and figure 20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the claimed invention of US Patent 7,233,550 with the disclosed invention of

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Ito '221, for the purpose of increasing the accessing speed of defect information (col. 5, lines 22-25 and col. 6, lines 37-42).

Regarding claims 2, 24, and 37, US Patent 7,233,550, in view of Ito '221, teaches everything claimed, as applied to claims 1, 21, and 36, respectively. Additionally, US Patent 7,233,550 claims where the defect management information is written as temporary defect list information and temporary disc structure information in the at least one temporary defect management area (claims 3, 5, 7, 13, 15, and 17), wherein the location information is written in the temporary disc structure information (inherent in the TDDS information of claims 3, 5, 7, 13, 15, and 17), and the temporary defect list information includes a defect entry corresponding to the defective area (claims 3, 5, 7, 13, 15, and 17).

Regarding claim 5, US Patent 7,233,550, in view of Ito '221, teaches everything claimed, as applied to claim 2. However, US Patent 7,233,550 does not claim the feature(s) of claim 5.

In the same field of endeavor, Ito '221 discloses where the temporary defect list information has a recording size smaller than four clusters (col. 1, lines 50-54; where each DMA is interpreted to be a single cluster, as defined by Maeda in section 13 of the Office action mailed 28 November 2008).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified claimed invention of US Patent 7,233,550 with the disclosed invention of Ito '221, for the reasons previously set forth in this Office action.

Regarding claims 16 and 31, US Patent 7,233,550, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 24, respectively. Additionally, US Patent 7,233,550 claims where the temporary defect list information includes a defect list terminator for indicating a termination of writing of the defect entry (inherent in claims 4 and 14 for indicating when the TDMA is full).

Regarding claims 17 and 32, US Patent 7,233,550, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 24, respectively. However, US Patent 7,233,550 does not claim where the location information points to a first sector of a next available cluster of the at least one spare area.

In the same field of endeavor, Ito '221 discloses where the location information points to a first sector of a next available cluster of the at least one spare area (col. 14, lines 18-29 and figure 20).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the claimed invention of US Patent 7,233,550 with the disclosed invention of Ito '221, for the purpose of increasing the accessing speed of defect information (col. 5, lines 22-25 and col. 6, lines 37-42).

Regarding claim 25, US Patent 7,233,550, in view of Ito '221, teaches everything claimed, as applied to claim 21. Additionally, US Patent 7,233,550 teaches where the optical recording medium is a Blu-ray disc of writable once type (BD-WO) or a Blu-ray disc of read-writable type (BD-RW) (claims 8 and 18).

4. Claims 8 and 9 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 7,233,550 in view of Ito '221, and further in view of Ito et al (US Patent Application Publication 2003/0137909; hereinafter Ito '909).

Regarding claims 8 and 9, US Patent 7,233,550, in view of Ito '221, teaches everything claimed, as applied to claim 2. However, US Patent 7,233,550, in view of Ito '221, does not teach where a recording size of the temporary defect list information to be written is varied to a recording size greater than one cluster when a number of defect entries exceeds one cluster of recording size and where the recording size of the temporary defect list information to be written is varied to a recording size greater than one cluster but smaller than four clusters.

In the same field of endeavor, Ito '909 discloses where a recording size of the temporary defect list information to be written is varied to a recording size greater than one cluster when a number of defect entries exceeds one cluster of recording size (¶¶s 88 and 89; where, if the size the spare area 107 is increased beyond the size of the spare areas 105, 106, and 106', the corresponding defect management would necessarily need to be increased in size to properly record defect and replacement sector positions) and where the recording size of the temporary defect list information to be written is varied to a recording size greater than one cluster but smaller than four clusters (¶¶s 88 and 89; where, if the size the spare area 107 is increased beyond the size of the spare areas 105, 106, and 106', the corresponding

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defect management would necessarily need to be increased in size to properly record defect and replacement sector positions, yet would not be capable of exceeding the space allocated therefore in the lead-out zone 104, as seen in figure 6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the claimed invention of US Patent 7,233,550, as modified by Ito '221, with the disclosed invention of Ito '909, for the purpose of improving the reliability of data by providing additional spare areas (¶ 90).

5. Claims 10 and 22 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 7,233,550 in view of Ito '221, and further in view of Gotoh et al (US Patent 6,581,167; hereinafter Gotoh).

Regarding claims 10 and 22, US Patent 7,233,550, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21, respectively. Additionally, US Patent 7,233,550 claims where the optical recording medium is a single layer Blu-ray disc of writable once type (BD-WO) (claims 8 and 18). However, US Patent 7,233,550, in view of Ito '221, does not claim where the optical recording medium has an inner spare area and an outer spare area assigned thereto, and the location information includes two pointers, the two pointers indicating next available addresses of the inner spare area and outer spare area, respectively.

In the same field of endeavor, Gotoh discloses where the optical recording medium has an inner spare area and an outer spare area assigned thereto, and the location information includes two pointers, the two pointers indicating next available addresses of the inner spare area and outer spare area, respectively (col. 13, lines 15-23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the claimed invention of US Patent 7,233,550, as modified by Ito '221, with the disclosed invention of Gotoh, for the purpose of enabling the dynamic allocation of spare areas (col. 3, lines 38-49).

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6. Claims 11 and 23 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 7,233,550, in view of Ito '221, and further in view of Ito '909 and Gotoh.

Regarding claims 11 and 23, US Patent 7,233,550, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21, respectively. Additionally, US Patent 7,233,550 claims where the optical recording medium is a Blu-ray disc of writable once type (claims 8 and 18). However, US Patent 7,233,550, in view of Ito '221, does not teach where the optical recording medium is a dual layer disc, has an inner spare area and an outer spare area assigned to each of a first layer and a second layer respectively, and the location information includes four pointers, the four pointers indicating next available addresses of the inner spare area and outer spare area within the first layer and the second layer, respectively.

In the same field of endeavor, Ito '909 discloses where the optical recording medium is a dual layer disc (figure 6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the claimed invention of US Patent 7,233,550, as modified by Ito '221, with the disclosed invention of Ito '909, for the purpose of improving the reliability of data by providing additional spare areas (¶ 90). However, Ito '909 also fails to teach where the optical recording medium has an inner spare area and an outer spare area assigned to each of a first layer and a second layer respectively, and the location information includes four pointers, the four pointers indicating next available addresses of the inner spare area and outer spare area within the first layer and the second layer, respectively.

In the same field of endeavor, Gotoh discloses where the optical recording medium is a dual layer disc, has an inner spare area and an outer spare area assigned to each of a first layer and a second layer respectively, and the location information includes four pointers, the four pointers indicating next available addresses of the inner spare area and outer spare area within the first layer and the second layer, respectively (col. 13, lines 15-23).



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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the claimed invention of US Patent 7,233,550, as modified by Ito '221, with the disclosed invention of Gotoh, for the purpose of enabling the dynamic allocation of spare areas (col. 3, lines 38-49).

7. Claims 18 and 33 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 7,233,550, in view of Ito '221, and further in view of Ito et al (US Patent 4,404,357; hereinafter Ito '357).

Regarding claims 18 and 33, US Patent 7,233,550, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 24, respectively. However, US Patent 7,233,550, in view of Ito '221, does not teach where the temporary disc structure information includes physical sector number information corresponding to a location of the temporary defect list information.

In the same field of endeavor, Ito '357 discloses where the temporary disc structure information includes physical sector number information corresponding to a location of the temporary defect list information (col. 1, lines 42-48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the claimed invention of US Patent 7,233,550, as modified by Ito '221, with the disclosed invention of Ito '357, for the purpose of specifying the structure of the optical recording medium (col. 1, lines 24-28).

8. Claims 1, 2, 5, 16, 17, 21, 24, 25, 31, 32, 36, and 37 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-42 of U.S. Patent No. 7,188,271, in view of Ito '221.

Regarding claims 1, 21, and 36, US Patent 7,188,271 claims a method for managing an optical recording medium (and associated optical recording medium and an apparatus for managing an optical recording medium) having at least one temporary defect management area (TDMA) and at least one defect management area (DMA) (claims 1, 6, 21, 22, 23, and 28), said method comprising:

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writing the defect management information written in the at least one temporary defect management area to the at least one defect management area when the optical recording medium is to be finalized (claims 1, 6, 16, 21, 22, 23, 28, and 38).

However, US Patent 7,188,271 does not claim the remaining limitations of claims 1, 21, and 36.

In the same field of endeavor, Ito '221 discloses the features of claims 1, 21, and 36 as stated in the section 3 of this Office action. Therefore, claims 1, 21, and 36 are rejected on the same basis and for the same reason(s).

Regarding claims 2, 24, and 37, US Patent 7,188,271, in view of Ito '221, teaches everything claimed, as applied to claims 1, 21, and 36, respectively. Additionally, US Patent 7,188,271 claims the details of the temporary defect list information and temporary disc structure information (claims 1, 6, 15, 21, 22, 23, 28, and 37).

Regarding claims 16 and 31, US Patent 7,188,271, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 24, respectively. Additionally, US Patent 7,188,271 claims a defect list terminator (inherent in claims 17 and 39 for indicating when the TDMA is full).

Regarding claim 25, US Patent 7,188,271, in view of Ito '221, teaches everything claimed, as applied to claim 21. Additionally, US Patent 7,188,271 claims the specific type of recording medium (claims 5, 19, 27, and 41).

Regarding claims 5, 17, and 32, US Patent 7,188,271, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21. However, US Patent 7,188,271 does not claim the features of claims 5, 17, and 32.

In the same field of endeavor, Ito '221 discloses the features of claims 5, 17, and 32 as stated in section 3 of this Office action. Therefore, claims 5, 17, and 32 are rejected on the same basis and for the same reason(s).

9. Claims 8 and 9 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-42 of U.S. Patent No. 7,188,271 in view of Ito '221, and further in view of Ito '909.

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Regarding claims 8 and 9, US Patent 7,188,271, in view of Ito '221, teaches everything claimed, as applied to claim 2. However, US Patent 7,188,271, in view of Ito '221, does not claim the features of claims 8 and 9.

In the same field of endeavor, Ito '909 discloses the features of claims 8 and 9, as stated in section 4 of this Office action. Therefore, claims 8 and 9 are rejected on the same basis and for the same reason(s).

10. Claims 10 and 22 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-42 of U.S. Patent No. 7,188,271 in view of Ito '221, and further in view of Gotoh.

Regarding claims 10 and 22, US Patent 7,188,271, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21. Additionally, US Patent 7,188,271 claims the features of claims 10 and 22 that are in common with those found in claim 25, as stated in section 8 of this Office action. However, US Patent 7,188,271 does not claim the remaining features of claims 10 and 22.

In the same field of endeavor, Gotoh discloses the remaining features of claims 10 and 22, as stated in section 5 of this Office action. Therefore, claims 10 and 22 are rejected on the same basis and for the same reason(s).

11. Claims 11 and 23 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-42 of U.S. Patent No. 7,188,271, in view of Ito '221, and further in view of Ito '909 and Gotoh.

Regarding claims 11 and 23, US Patent 7,188,271, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21. Additionally, US Patent 7,188,271 claims the features of claims 11 and 23 that are in common with those found in claim 25, as stated in section 8 of this Office action, as well as multiple layers (claims 8 and 30). However, US Patent 7,188,271 does not claim the remaining features of claims 11 and 23.

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In the same field of endeavor, Ito '909 and Gotoh discloses the remaining features of claims 11 and 23, as stated in section 6 of this Office action. Therefore, claims 11 and 23 are rejected on the same basis and for the same reason(s).

12. Claims 18 and 33 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-42 of U.S. Patent No. 7,188,271, in view of Ito '221, and further in view of Ito '357.

Regarding claims 18 and 33, US Patent 7,188,271, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 24. However, US Patent 7,188,271 does not claim the features of claims 18 and 33.

In the same field of endeavor, Ito '357 discloses the remaining features of claims 18 and 33, as stated in section 7 of this Office action. Therefore, claims 18 and 33 are rejected on the same basis and for the same reason(s).

13. Claims 1, 2, 5, 16, 17, 21, 24, 25, 31, 32, 36, and 37 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-33 of U.S. Patent No. 7,289,404, in view of Ito '221.

Regarding claims 1, 21, and 36, US Patent 7,289,404 claims a method for managing an optical recording medium (and associated optical recording medium and an apparatus for managing an optical recording medium) having at least one temporary defect management area (TDMA) and at least one defect management area (DMA) and at least one spare area (claims 1, 19, and 20), said method comprising:

writing the defect management information written in the at least one temporary defect management area to the at least one defect management area when the optical recording medium is to be finalized (claims 1, 19, and 20).

However, US Patent 7,289,404 does not claim the remaining limitations of claims 1, 21, and 36.

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In the same field of endeavor, Ito '221 discloses the features of claims 1, 21, and 36 as stated in the section 3 of this Office action. Therefore, claims 1, 21, and 36 are rejected on the same basis and for the same reason(s).

Regarding claims 2, 24, and 37, US Patent 7,289,404, in view of Ito '221, teaches everything claimed, as applied to claims 1, 21, and 36, respectively. Additionally, US Patent 7,289,404 claims the details of the temporary defect list information and temporary disc structure information (claims 12 and 30).

Regarding claim 5, US Patent 7,289,404, in view of Ito '221, teaches everything claimed, as applied to claims 1, 21, and 36, respectively. Additionally, US Patent 7,289,404 claims the details of the size of the temporary defect list information (claims 8-11 and 26-29).

Regarding claims 16 and 31, US Patent 7,289,404, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 24, respectively. Additionally, US Patent 7,289,404 claims a defect list terminator (inherent in claims 8-11 and 26-29 for indicating the size of the TDMA's).

Regarding claim 25, US Patent 7,289,404, in view of Ito '221, teaches everything claimed, as applied to claim 21. Additionally, US Patent 7,289,404 claims the specific type of recording medium (claims 1, 19, and 20).

Regarding claims 17 and 32, US Patent 7,289,404, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21. However, US Patent 7,289,404 does not claim the features of claims 17 and 32.

In the same field of endeavor, Ito '221 discloses the features of claims 17 and 32 as stated in section 3 of this Office action. Therefore, claims 17 and 32 are rejected on the same basis and for the same reason(s).

14. Claims 8 and 9 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-33 of U.S. Patent No. 7,289,404 in view of Ito '221, and further in view of Ito '909.

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Regarding claims 8 and 9, US Patent 7,289,404, in view of Ito '221, teaches everything claimed, as applied to claim 2. Additionally, US Patent 7,289,404 claims the concept of allocating a variable space for the TDMA's (claims 8-11 and 26-29). However, US Patent 7,289,404, in view of Ito '221, does not claim the remaining features of claims 8 and 9.

In the same field of endeavor, Ito '909 discloses the remaining features of claims 8 and 9, as stated in section 4 of this Office action. Therefore, claims 8 and 9 are rejected on the same basis and for the same reason(s).

15. Claims 10 and 22 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-33 of U.S. Patent No. 7,289,404 in view of Ito '221, and further in view of Gotoh.

Regarding claims 10 and 22, US Patent 7,289,404, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21. Additionally, US Patent 7,289,404 claims the features of claims 10 and 22 that are in common with those found in claim 25, as stated in section 13 of this Office action, as well as inner and outer spare areas (claims 3 and 22). However, US Patent 7,289,404 does not claim the remaining features of claims 10 and 22.

In the same field of endeavor, Gotoh discloses the remaining features of claims 10 and 22, as stated in section 5 of this Office action. Therefore, claims 10 and 22 are rejected on the same basis and for the same reason(s).

16. Claims 11 and 23 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-33 of U.S. Patent No. 7,289,404, in view of Ito '221, and further in view of Ito '909 and Gotoh.

Regarding claims 11 and 23, US Patent 7,289,404, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21. Additionally, US Patent 7,289,404 claims the features of claims 11 and 23 that are in common with those found in claim 25, as stated in section 13 of this Office action,

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as well as inner and outer spare areas (claims 3 and 22). However, US Patent 7,289,404 does not claim the remaining features of claims 11 and 23.

In the same field of endeavor, Ito '909 and Gotoh discloses the remaining features of claims 11 and 23, as stated in section 6 of this Office action. Therefore, claims 11 and 23 are rejected on the same basis and for the same reason(s).

17. Claims 18 and 33 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-33 of U.S. Patent No. 7,289,404, in view of Ito '221, and further in view of Ito '357.

Regarding claims 18 and 33, US Patent 7,289,404, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 24. However, US Patent 7,289,404 does not claim the features of claims 18 and 33.

In the same field of endeavor, Ito '357 discloses the remaining features of claims 18 and 33, as stated in section 7 of this Office action. Therefore, claims 18 and 33 are rejected on the same basis and for the same reason(s).

18. Claims 1, 2, 5, 16, 17, 21, 24, 25, 31, 32, 36, and 37 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-25 of U.S. Patent No. 7,317,670, in view of Ito '221.

Regarding claims 1, 21, and 36, US Patent 7,317,670 claims a method for managing an optical recording medium (and associated optical recording medium and an apparatus for managing an optical recording medium) having at least one temporary defect management area (TDMA) and at least one defect management area (DMA) (claims 1, 10, 17, 20, and 23), said method comprising:

writing the defect management information written in the at least one temporary defect management area to the at least one defect management area when the optical recording medium is to be finalized (claims 1, 10, 17, 20, and 23).

However, US Patent 7,317,670 does not claim the remaining limitations of claims 1, 21, and 36.

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In the same field of endeavor, Ito '221 discloses the features of claims 1, 21, and 36 as stated in the section 3 of this Office action. Therefore, claims 1, 21, and 36 are rejected on the same basis and for the same reason(s).

Regarding claims 2, 24, and 37, US Patent 7,317,670, in view of Ito '221, teaches everything claimed, as applied to claims 1, 21, and 36, respectively. Additionally, US Patent 7,317,670 claims the details of the temporary defect list information and temporary disc structure information (claims 1, 10, 17, 20, and 23).

Regarding claims 16 and 31, US Patent 7,317,670, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 24, respectively. Additionally, US Patent 7,317,670 claims a defect list terminator (inherent in claims 9 and 16 for indicating when the TDMA is full).

Regarding claim 25, US Patent 7,317,670, in view of Ito '221, teaches everything claimed, as applied to claim 21. Additionally, US Patent 7,317,670 claims the specific type of recording medium (claims 1, 10, 17, 20, and 23).

Regarding claims 5, 17, and 32, US Patent 7,317,670, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21. However, US Patent 7,317,670 does not claim the features of claims 5, 17, and 32.

In the same field of endeavor, Ito '221 discloses the features of claims 5, 17, and 32 as stated in section 3 of this Office action. Therefore, claims 5, 17, and 32 are rejected on the same basis and for the same reason(s).

19. Claims 8 and 9 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-25 of U.S. Patent No. 7,317,670 in view of Ito '221, and further in view of Ito '909.

Regarding claims 8 and 9, US Patent 7,317,670, in view of Ito '221, teaches everything claimed, as applied to claim 2. However, US Patent 7,317,670, in view of Ito '221, does not claim the features of claims 8 and 9.



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In the same field of endeavor, Ito '909 discloses the features of claims 8 and 9, as stated in section 4 of this Office action. Therefore, claims 8 and 9 are rejected on the same basis and for the same reason(s).

20. Claims 10 and 22 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-25 of U.S. Patent No. 7,317,670 in view of Ito '221, and further in view of Gotoh.

Regarding claims 10 and 22, US Patent 7,317,670, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21. Additionally, US Patent 7,317,670 claims the features of claims 10 and 22 that are in common with those found in claim 25, as stated in section 18 of this Office action. However, US Patent 7,317,670 does not claim the remaining features of claims 10 and 22.

In the same field of endeavor, Gotoh discloses the remaining features of claims 10 and 22, as stated in section 5 of this Office action. Therefore, claims 10 and 22 are rejected on the same basis and for the same reason(s).

21. Claims 11 and 23 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-25 of U.S. Patent No. 7,317,670, in view of Ito '221, and further in view of Ito '909 and Gotoh.

Regarding claims 11 and 23, US Patent 7,317,670, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21. Additionally, US Patent 7,317,670 claims the features of claims 11 and 23 that are in common with those found in claim 25, as stated in section 18 of this Office action. However, US Patent 7,317,670 does not claim the remaining features of claims 11 and 23.

In the same field of endeavor, Ito '909 and Gotoh discloses the remaining features of claims 11 and 23, as stated in section 6 of this Office action. Therefore, claims 11 and 23 are rejected on the same basis and for the same reason(s).

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22. Claims 18 and 33 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-25 of U.S. Patent No. 7,317,670, in view of Ito '221, and further in view of Ito '357.

Regarding claims 18 and 33, US Patent 7,317,670, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 24. However, US Patent 7,317,670 does not claim the features of claims 18 and 33.

In the same field of endeavor, Ito '357 discloses the remaining features of claims 18 and 33, as stated in section 7 of this Office action. Therefore, claims 18 and 33 are rejected on the same basis and for the same reason(s).

23. Claims 1, 2, 5, 16, 17, 21, 24, 25, 31, 32, 36, and 37 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 7,372,788, in view of Ito '221.

Regarding claims 1, 21, and 36, US Patent 7,372,788 claims a method for managing an optical recording medium (and associated optical recording medium and an apparatus for managing an optical recording medium) having at least one temporary defect management area (TDMA) and at least one defect management area (DMA) (claims 1, 2, 8, and 9), said method comprising:

writing the defect management information written in the at least one temporary defect management area to the at least one defect management area when the optical recording medium is to be finalized (claims 1, 2, 8, and 9).

However, US Patent 7,372,788 does not claim the remaining limitations of claims 1, 21, and 36.

In the same field of endeavor, Ito '221 discloses the features of claims 1, 21, and 36 as stated in the section 3 of this Office action. Therefore, claims 1, 21, and 36 are rejected on the same basis and for the same reason(s).

Regarding claims 2 and 37, US Patent 7,372,788, in view of Ito '221, teaches everything claimed, as applied to claims 1 and 36, respectively. Additionally, US Patent 7,372,788 claims the details of the temporary defect list information and temporary disc structure information (claims 1, 2, 8, and 9).

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Regarding claims 16 and 31, US Patent 7,372,788, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 24, respectively. Additionally, US Patent 7,372,788 claims a defect list terminator (inherent in claims 1, 2, 8, and 9 for indicating where the TDFL ends).

Regarding claim 25, US Patent 7,372,788, in view of Ito '221, teaches everything claimed, as applied to claim 21. Additionally, US Patent 7,372,788 claims the specific type of recording medium (claims 1, 2, 8, and 9).

Regarding claims 5, 17, and 32, US Patent 7,372,788, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21. However, US Patent 7,372,788 does not claim the features of claims 5, 17, and 32.

In the same field of endeavor, Ito '221 discloses the features of claims 5, 17, and 32 as stated in section 3 of this Office action. Therefore, claims 5, 17, and 32 are rejected on the same basis and for the same reason(s).

24. Claims 8 and 9 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 7,372,788 in view of Ito '221, and further in view of Ito '909.

Regarding claims 8 and 9, US Patent 7,372,788, in view of Ito '221, teaches everything claimed, as applied to claim 2. However, US Patent 7,372,788, in view of Ito '221, does not claim the features of claims 8 and 9.

In the same field of endeavor, Ito '909 discloses the features of claims 8 and 9, as stated in section 4 of this Office action. Therefore, claims 8 and 9 are rejected on the same basis and for the same reason(s).

25. Claims 10 and 22 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 7,372,788 in view of Ito '221, and further in view of Gotoh.

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Regarding claims 10 and 22, US Patent 7,372,788, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21. Additionally, US Patent 7,372,788 claims the features of claims 10 and 22 that are in common with those found in claim 25, as stated in section 23 of this Office action. However, US Patent 7,372,788 does not claim the remaining features of claims 10 and 22.

In the same field of endeavor, Gotoh discloses the remaining features of claims 10 and 22, as stated in section 5 of this Office action. Therefore, claims 10 and 22 are rejected on the same basis and for the same reason(s).

26. Claims 11 and 23 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 7,372,788, in view of Ito '221, and further in view of Ito '909 and Gotoh.

Regarding claims 11 and 23, US Patent 7,372,788, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21. Additionally, US Patent 7,372,788 claims the features of claims 11 and 23 that are in common with those found in claim 25, as stated in section 23 of this Office action. However, US Patent 7,372,788 does not claim the remaining features of claims 11 and 23.

In the same field of endeavor, Ito '909 and Gotoh discloses the remaining features of claims 11 and 23, as stated in section 6 of this Office action. Therefore, claims 11 and 23 are rejected on the same basis and for the same reason(s).

27. Claims 18 and 33 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 7,372,788, in view of Ito '221, and further in view of Ito '357.

Regarding claims 18 and 33, US Patent 7,372,788, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 24. However, US Patent 7,372,788 does not claim the features of claims 18 and 33.

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In the same field of endeavor, Ito '357 discloses the remaining features of claims 18 and 33, as stated in section 7 of this Office action. Therefore, claims 18 and 33 are rejected on the same basis and for the same reason(s).

28. Claims 1, 2, 5, 16, 17, 21, 24, 25, 31, 32, 36, and 37 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-31 of U.S. Patent No. 7,483,355, in view of Ito '221.

Regarding claims 1, 21, and 36, US Patent 7,483,355 claims a method for managing an optical recording medium (and associated optical recording medium and an apparatus for managing an optical recording medium) having at least one temporary defect management area (TDMA) and at least one defect management area (DMA) (claims 1, 7, 15, 26, and 30), said method comprising:

writing the defect management information written in the at least one temporary defect management area to the at least one defect management area when the optical recording medium is to be finalized (claims 1, 7, 15, 26, and 30).

However, US Patent 7,483,355 does not claim the remaining limitations of claims 1, 21, and 36.

In the same field of endeavor, Ito '221 discloses the features of claims 1, 21, and 36 as stated in the section 3 of this Office action. Therefore, claims 1, 21, and 36 are rejected on the same basis and for the same reason(s).

Regarding claims 2, 24, and 37, US Patent 7,483,355, in view of Ito '221, teaches everything claimed, as applied to claims 1, 21, and 36, respectively. Additionally, US Patent 7,483,355 claims the details of the temporary defect list information and temporary disc structure information (claims 1, 7, 15, 26, and 30).

Regarding claims 16 and 31, US Patent 7,483,355, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 24, respectively. Additionally, US Patent 7,483,355 claims a defect list terminator (inherent in claims 1, 7, 15, 26, and 30 for indicating each defect list ends).

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Regarding claim 25, US Patent 7,483,355, in view of Ito '221, teaches everything claimed, as applied to claim 21. Additionally, US Patent 7,483,355 claims the specific type of recording medium (claims 1, 7, 15, 26, and 30).

Regarding claims 5, 17, and 32, US Patent 7,483,355, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21. However, US Patent 7,483,355 does not claim the features of claims 5, 17, and 32.

In the same field of endeavor, Ito '221 discloses the features of claims 5, 17, and 32 as stated in section 3 of this Office action. Therefore, claims 5, 17, and 32 are rejected on the same basis and for the same reason(s).

29. Claims 8 and 9 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-31 of U.S. Patent No. 7,483,355 in view of Ito '221, and further in view of Ito '909.

Regarding claims 8 and 9, US Patent 7,483,355, in view of Ito '221, teaches everything claimed, as applied to claim 2. However, US Patent 7,483,355, in view of Ito '221, does not claim the features of claims 8 and 9.

In the same field of endeavor, Ito '909 discloses the features of claims 8 and 9, as stated in section 4 of this Office action. Therefore, claims 8 and 9 are rejected on the same basis and for the same reason(s).

30. Claims 10 and 22 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-31 of U.S. Patent No. 7,483,355 in view of Ito '221, and further in view of Gotoh.

Regarding claims 10 and 22, US Patent 7,483,355, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21. Additionally, US Patent 7,483,355 claims the features of claims 10 and 22 that are in common with those found in claim 25, as stated in section 28 of this Office action. However, US Patent 7,483,355 does not claim the remaining features of claims 10 and 22.

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In the same field of endeavor, Gotoh discloses the remaining features of claims 10 and 22, as stated in section 5 of this Office action. Therefore, claims 10 and 22 are rejected on the same basis and for the same reason(s).

31. Claims 11 and 23 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-31 of U.S. Patent No. 7,483,355, in view of Ito '221, and further in view of Ito '909 and Gotoh.

Regarding claims 11 and 23, US Patent 7,483,355, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21. Additionally, US Patent 7,483,355 claims the features of claims 11 and 23 that are in common with those found in claim 25, as stated in section 28 of this Office action. However, US Patent 7,483,355 does not claim the remaining features of claims 11 and 23.

In the same field of endeavor, Ito '909 and Gotoh discloses the remaining features of claims 11 and 23, as stated in section 6 of this Office action. Therefore, claims 11 and 23 are rejected on the same basis and for the same reason(s).

32. Claims 18 and 33 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-31 of U.S. Patent No. 7,483,355, in view of Ito '221, and further in view of Ito '357.

Regarding claims 18 and 33, US Patent 7,483,355, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 24. However, US Patent 7,483,355 does not claim the features of claims 18 and 33.

In the same field of endeavor, Ito '357 discloses the remaining features of claims 18 and 33, as stated in section 7 of this Office action. Therefore, claims 18 and 33 are rejected on the same basis and for the same reason(s).

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33. Claims 1, 2, 5, 16, 17, 21, 24, 25, 31, 32, 36, and 37 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 7,483,349, in view of Ito '221.

Regarding claims 1, 21, and 36, US Patent 7,483,349 claims a method for managing an optical recording medium (and associated optical recording medium and an apparatus for managing an optical recording medium) having at least one temporary defect management area (TDMA) and at least one defect management area (DMA) (claims 1-12), said method comprising:

writing the defect management information written in the at least one temporary defect management area to the at least one defect management area when the optical recording medium is to be finalized (claims 1-12).

However, US Patent 7,483,349 does not claim the remaining limitations of claims 1, 21, and 36.

In the same field of endeavor, Ito '221 discloses the features of claims 1, 21, and 36 as stated in the section 3 of this Office action. Therefore, claims 1, 21, and 36 are rejected on the same basis and for the same reason(s).

Regarding claims 2, 24, and 37, US Patent 7,483,349, in view of Ito '221, teaches everything claimed, as applied to claims 1, 21, and 36, respectively. Additionally, US Patent 7,483,349 claims the details of the temporary defect list information and temporary disc structure information (claims 10-12).

Regarding claims 16 and 31, US Patent 7,483,349, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 24, respectively. Additionally, US Patent 7,483,349 claims a defect list terminator (inherent in claims 1-12 for indicating where each DFL/TDFL ends).

Regarding claim 25, US Patent 7,483,349, in view of Ito '221, teaches everything claimed, as applied to claim 21. Additionally, US Patent 7,483,349 claims the specific type of recording medium (claims 1-12).

Regarding claims 5, 17, and 32, US Patent 7,483,349, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21. However, US Patent 7,483,349 does not claim the features of claims 5, 17, and 32.



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In the same field of endeavor, Ito '221 discloses the features of claims 5, 17, and 32 as stated in section 3 of this Office action. Therefore, claims 5, 17, and 32 are rejected on the same basis and for the same reason(s).

34. Claims 8 and 9 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 7,483,349 in view of Ito '221, and further in view of Ito '909.

Regarding claims 8 and 9, US Patent 7,483,349, in view of Ito '221, teaches everything claimed, as applied to claim 2. However, US Patent 7,483,349, in view of Ito '221, does not claim the features of claims 8 and 9.

In the same field of endeavor, Ito '909 discloses the features of claims 8 and 9, as stated in section 4 of this Office action. Therefore, claims 8 and 9 are rejected on the same basis and for the same reason(s).

35. Claims 10 and 22 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 7,483,349 in view of Ito '221, and further in view of Gotoh.

Regarding claims 10 and 22, US Patent 7,483,349, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21. Additionally, US Patent 7,483,349 claims the features of claims 10 and 22 that are in common with those found in claim 25, as stated in section 33 of this Office action. However, US Patent 7,483,349 does not claim the remaining features of claims 10 and 22.

In the same field of endeavor, Gotoh discloses the remaining features of claims 10 and 22, as stated in section 5 of this Office action. Therefore, claims 10 and 22 are rejected on the same basis and for the same reason(s).

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36. Claims 11 and 23 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 7,483,349, in view of Ito '221, and further in view of Ito '909 and Gotoh.

Regarding claims 11 and 23, US Patent 7,483,349, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21. Additionally, US Patent 7,483,349 claims the features of claims 11 and 23 that are in common with those found in claim 25, as stated in section 33 of this Office action. However, US Patent 7,483,349 does not claim the remaining features of claims 11 and 23.

In the same field of endeavor, Ito '909 and Gotoh discloses the remaining features of claims 11 and 23, as stated in section 6 of this Office action. Therefore, claims 11 and 23 are rejected on the same basis and for the same reason(s).

37. Claims 18 and 33 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 7,483,349, in view of Ito '221, and further in view of Ito '357.

Regarding claims 18 and 33, US Patent 7,483,349, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 24. However, US Patent 7,483,349 does not claim the features of claims 18 and 33.

In the same field of endeavor, Ito '357 discloses the remaining features of claims 18 and 33, as stated in section 7 of this Office action. Therefore, claims 18 and 33 are rejected on the same basis and for the same reason(s).

38. Claims 1, 2, 5, 16, 17, 21, 24, 25, 31, 32, 36, and 37 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3, 5, 7, 9-21, 23, and 25-34 of copending Application No. 10/670326 in view of Ito '221.

This is a provisional obviousness-type double patenting rejection.

Regarding claims 1, 21, and 36, 10/670326 claims a method for managing an optical recording medium (and associated optical recording medium and an apparatus for managing an optical recording

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medium) having at least one temporary defect management area (TDMA) and at least one defect management area (DMA) and at least a spare area (claims 1, 6, 21, 22, 23, and 28), said method comprising:

writing data written in a defective area to the at least one spare area as replacement data if the defective area within a data area of the optical recording medium is detected (claims 1, 17, 32, and 33); and

writing defect management information in the at least one temporary defect management area for access to the data written in the spare area (claims 1, 17, 32, and 33),

writing the defect management information written in the at least one temporary defect management area to the at least one defect management area when the optical recording medium is to be finalized (claims 1, 5, 17, 32, and 33).

However, 10/670326 does not claim the remaining limitations of claims 1, 21, and 36.

In the same field of endeavor, Ito '221 discloses the features of claims 1, 21, and 36 as stated in the section 3 of this Office action. Therefore, claims 1, 21, and 36 are rejected on the same basis and for the same reason(s).

Regarding claims 2, 24, and 37, 10/670326, in view of Ito '221, teaches everything claimed, as applied to claims 1, 21, and 36, respectively. Additionally, 10/670326 claims the details of the temporary defect list information and temporary disc structure information (claims 2 and 18).

Regarding claims 16 and 31, 10/670326, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 24, respectively. Additionally, 10/670326 claims a defect list terminator (inherent in claims 1, 17, 32, and 33 for indicating where the each DMA ends).

Regarding claim 25, 10/670326, in view of Ito '221, teaches everything claimed, as applied to claim 21. Additionally, US Patent 7,188,271 claims the specific type of recording medium (claims 7 and 23).

Regarding claims 5, 17, and 32, 10/670326, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21. However, 10/670326 does not claim the features of claims 5, 17, and 32.

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In the same field of endeavor, Ito '221 discloses the features of claims 5, 17, and 32 as stated in section 3 of this Office action. Therefore, claims 5, 17, and 32 are rejected on the same basis and for the same reason(s).

39. Claims 8 and 9 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3, 5, 7, 9-21, 23, and 25-34 of copending Application No. 10/670326 in view of Ito '221, and further in view of Ito '909.

This is a provisional obviousness-type double patenting rejection.

Regarding claims 8 and 9, 10/670326, in view of Ito '221, teaches everything claimed, as applied to claim 2. However, 10/670326, in view of Ito '221, does not claim the features of claims 8 and 9.

In the same field of endeavor, Ito '909 discloses the features of claims 8 and 9, as stated in section 4 of this Office action. Therefore, claims 8 and 9 are rejected on the same basis and for the same reason(s).

40. Claims 10 and 22 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3, 5, 7, 9-21, 23, and 25-34 of copending Application No. 10/670326 in view of Ito '221, and further in view of Gotoh.

This is a provisional obviousness-type double patenting rejection.

Regarding claims 10 and 22, US Patent 7,188,271, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21. Additionally, 10/670326 claims the features of claims 10 and 22 that are in common with those found in claim 25, as stated in section 38 of this Office action, as well as inner and outer spare areas (claims 11 and 26). However, 10/670326 does not claim the remaining features of claims 10 and 22.

In the same field of endeavor, Gotoh discloses the remaining features of claims 10 and 22, as stated in section 5 of this Office action. Therefore, claims 10 and 22 are rejected on the same basis and for the same reason(s).

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41. Claims 11 and 23 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3, 5, 7, 9-21, 23, and 25-34 of copending Application No. 10/670326 in view of Ito '221, and further in view of Ito '909 and Gotoh.

This is a provisional obviousness-type double patenting rejection.

Regarding claims 11 and 23, 10/670326, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21. Additionally, 10/670326 claims the features of claims 11 and 23 that are in common with those found in claim 25, as stated in section 38 of this Office action, as well as inner and outer spare areas (claims 11 and 26). However, 10/670326 does not claim the remaining features of claims 11 and 23.

In the same field of endeavor, Ito '909 and Gotoh discloses the remaining features of claims 11 and 23, as stated in section 6 of this Office action. Therefore, claims 11 and 23 are rejected on the same basis and for the same reason(s).

42. Claims 18 and 33 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3, 5, 7, 9-21, 23, and 25-34 of copending Application No. 10/670326 in view of Ito '221, and further in view of Ito '357.

This is a provisional obviousness-type double patenting rejection.

Regarding claims 18 and 33, 10/670326, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 24. However, 10/670326 does not claim the features of claims 18 and 33.

In the same field of endeavor, Ito '357 discloses the remaining features of claims 18 and 33, as stated in section 7 of this Office action. Therefore, claims 18 and 33 are rejected on the same basis and for the same reason(s).

43. Claims 1, 2, 5, 16, 17, 21, 24, 25, 31, 32, 36, and 37 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-16, 24-43, and 51-68 of copending Application No. 10/670274 in view of Ito '221.

This is a provisional obviousness-type double patenting rejection.

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Regarding claims 1, 21, and 36, 10/670274 claims a method for managing an optical recording medium (and associated optical recording medium and an apparatus for managing an optical recording medium) having at least one temporary defect management area (TDMA) and at least one defect management area (DMA) (claims 1, 29, 30, 61, and 65) and at least one spare area (at least claims 4-10), said method comprising:

writing the defect management information written in the at least one temporary defect management area to the at least one defect management area when the optical recording medium is to be finalized (claims 1, 29, 30, 61, and 65).

However, 10/670274 does not claim the remaining limitations of claims 1, 21, and 36.

In the same field of endeavor, Ito '221 discloses the features of claims 1, 21, and 36 as stated in the section 3 of this Office action. Therefore, claims 1, 21, and 36 are rejected on the same basis and for the same reason(s).

Regarding claims 2, 24, and 37, 10/670274, in view of Ito '221, teaches everything claimed, as applied to claims 1, 21, and 36, respectively. Additionally, 10/670274 claims the details of the temporary defect list information and temporary disc structure information (at least claim 12).

Regarding claims 16 and 31, 10/670274, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 24, respectively. Additionally, 10/670274 claims a defect list terminator (inherent in at least claim 25 for indicating when the TDMA's are full).

Regarding claim 25, 10/670274, in view of Ito '221, teaches everything claimed, as applied to claim 21. Additionally, US Patent 7,188,271 claims the specific type of recording medium (at least claim 11).

Regarding claims 5, 17, 24, 25, and 32, 10/670274, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21. However, 10/670274 does not claim the features of claims 5, 17, 24, 25, and 32.

In the same field of endeavor, Ito '221 discloses the features of claims 5, 17, 24, 25, and 32 as stated in section 3 of this Office action. Therefore, claims 5, 17, 24, 25, and 32 are rejected on the same basis and for the same reason(s).

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44. Claims 8 and 9 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-16, 24-43, and 51-68 of copending Application No. 10/670274 in view of Ito '221, and further in view of Ito '909.

This is a provisional obviousness-type double patenting rejection.

Regarding claims 8 and 9, 10/670274, in view of Ito '221, teaches everything claimed, as applied to claim 2. However, 10/670274, in view of Ito '221, does not claim the features of claims 8 and 9.

In the same field of endeavor, Ito '909 discloses the features of claims 8 and 9, as stated in section 4 of this Office action. Therefore, claims 8 and 9 are rejected on the same basis and for the same reason(s).

45. Claims 10 and 22 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-16, 24-43, and 51-68 of copending Application No. 10/670274 in view of Ito '221, and further in view of Gotoh.

This is a provisional obviousness-type double patenting rejection.

Regarding claims 10 and 22, US Patent 7,188,271, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21. Additionally, 10/670274 claims the features of claims 10 and 22 that are in common with those found in claim 25, as stated in section 43 of this Office action. However, 10/670274 does not claim the remaining features of claims 10 and 22.

In the same field of endeavor, Gotoh discloses the remaining features of claims 10 and 22, as stated in section 5 of this Office action. Therefore, claims 10 and 22 are rejected on the same basis and for the same reason(s).

46. Claims 11 and 23 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-16, 24-43, and 51-68 of copending Application No. 10/670274 in view of Ito '221, and further in view of Ito '909 and Gotoh.

This is a provisional obviousness-type double patenting rejection.

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Regarding claims 11 and 23, 10/670274, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21. Additionally, 10/670274 claims the features of claims 11 and 23 that are in common with those found in claim 25, as stated in section 43 of this Office action. However, 10/670274 does not claim the remaining features of claims 11 and 23.

In the same field of endeavor, Ito '909 and Gotoh discloses the remaining features of claims 11 and 23, as stated in section 6 of this Office action. Therefore, claims 11 and 23 are rejected on the same basis and for the same reason(s).

47. Claims 18 and 33 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-16, 24-43, and 51-68 of copending Application No. 10/670274 in view of Ito '221, and further in view of Ito '357.

This is a provisional obviousness-type double patenting rejection.

Regarding claims 18 and 33, 10/670274, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 24. However, 10/670274 does not claim the features of claims 18 and 33.

In the same field of endeavor, Ito '357 discloses the remaining features of claims 18 and 33, as stated in section 7 of this Office action. Therefore, claims 18 and 33 are rejected on the same basis and for the same reason(s).

48. Claims 1, 2, 5, 16, 17, 21, 24, 25, 31, 32, 36, and 37 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 11/652691 in view of Ito '221.

This is a provisional obviousness-type double patenting rejection.

Regarding claims 1, 21, and 36, 11/652691 claims a method for managing an optical recording medium (and associated optical recording medium and an apparatus for managing an optical recording medium) having at least one temporary defect management area (TDMA) and at least one defect management area (DMA) (claims 1, 10, and 11), said method comprising:



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writing the defect management information written in the at least one temporary defect management area to the at least one defect management area when the optical recording medium is to be finalized (claims 1, 7, 10, 11, 18, and 20).

However, 11/652691 does not claim the remaining limitations of claims 1, 21, and 36.

In the same field of endeavor, Ito '221 discloses the features of claims 1, 21, and 36 as stated in the section 3 of this Office action. Therefore, claims 1, 21, and 36 are rejected on the same basis and for the same reason(s).

Regarding claims 2, 24, and 37, 11/652691, in view of Ito '221, teaches everything claimed, as applied to claims 1, 21, and 36, respectively. Additionally, 11/652691 claims the details of the temporary defect list information and temporary disc structure information (claims 1, 6, 10, 11, and 16).

Regarding claims 16 and 31, 11/652691, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 24, respectively. Additionally, 11/652691 claims a defect list terminator (inherent in claims 8 and 18 for indicating when the TDMA is full).

Regarding claim 25, 11/652691, in view of Ito '221, teaches everything claimed, as applied to claim 21. Additionally, US Patent 7,188,271 claims the specific type of recording medium (claims 1, 10, and 11).

Regarding claims 5, 17, 24, 25, and 32, 11/652691, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21. However, 11/652691 does not claim the features of claims 5, 17, 24, 25, and 32.

In the same field of endeavor, Ito '221 discloses the features of claims 5, 17, 24, 25, and 32 as stated in section 3 of this Office action. Therefore, claims 5, 17, 24, 25, and 32 are rejected on the same basis and for the same reason(s).

49. Claims 8 and 9 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 11/652691 in view of Ito '221, and further in view of Ito '909.

This is a provisional obviousness-type double patenting rejection.

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Regarding claims 8 and 9, 11/652691, in view of Ito '221, teaches everything claimed, as applied to claim 2. However, 11/652691, in view of Ito '221, does not claim the features of claims 8 and 9.

In the same field of endeavor, Ito '909 discloses the features of claims 8 and 9, as stated in section 4 of this Office action. Therefore, claims 8 and 9 are rejected on the same basis and for the same reason(s).

50. Claims 10 and 22 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 11/652691 in view of Ito '221, and further in view of Gotoh.

This is a provisional obviousness-type double patenting rejection.

Regarding claims 10 and 22, US Patent 7,188,271, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21. Additionally, 11/652691 claims the features of claims 10 and 22 that are in common with those found in claim 25, as stated in section 48 of this Office action. However, 11/652691 does not claim the remaining features of claims 10 and 22.

In the same field of endeavor, Gotoh discloses the remaining features of claims 10 and 22, as stated in section 5 of this Office action. Therefore, claims 10 and 22 are rejected on the same basis and for the same reason(s).

51. Claims 11 and 23 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 11/652691 in view of Ito '221, and further in view of Ito '909 and Gotoh.

This is a provisional obviousness-type double patenting rejection.

Regarding claims 11 and 23, 11/652691, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21. Additionally, 11/652691 claims the features of claims 11 and 23 that are in common with those found in claim 25, as stated in section 48 of this Office action, as well as multiple layers (claims 1-20). However, 11/652691 does not claim the remaining features of claims 11 and 23.

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In the same field of endeavor, Ito '909 and Gotoh discloses the remaining features of claims 11 and 23, as stated in section 6 of this Office action. Therefore, claims 11 and 23 are rejected on the same basis and for the same reason(s).

52. Claims 18 and 33 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 11/652691 in view of Ito '221, and further in view of Ito '357.

This is a provisional obviousness-type double patenting rejection.

Regarding claims 18 and 33, 11/652691, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 24. However, 11/652691 does not claim the features of claims 18 and 33.

In the same field of endeavor, Ito '357 discloses the remaining features of claims 18 and 33, as stated in section 7 of this Office action. Therefore, claims 18 and 33 are rejected on the same basis and for the same reason(s).

53. Claims 1, 2, 5, 16, 17, 21, 24, 25, 31, 32, 36, and 37 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-17 of copending Application No. 12/078336 in view of Ito '221.

This is a provisional obviousness-type double patenting rejection.

Regarding claims 1, 21, and 36, 12/078336 claims a method for managing an optical recording medium (and associated optical recording medium and an apparatus for managing an optical recording medium) having at least one temporary defect management area (TDMA) and at least one defect management area (DMA) (claims 1, 7, and 14), said method comprising:

writing the defect management information written in the at least one temporary defect management area to the at least one defect management area when the optical recording medium is to be finalized (claims 1, 7, and 14).

However, 12/078336 does not claim the remaining limitations of claims 1, 21, and 36.

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In the same field of endeavor, Ito '221 discloses the features of claims 1, 21, and 36 as stated in the section 3 of this Office action. Therefore, claims 1, 21, and 36 are rejected on the same basis and for the same reason(s).

Regarding claims 2, 24, and 37, 12/078336, in view of Ito '221, teaches everything claimed, as applied to claims 1, 21, and 36, respectively. Additionally, 12/078336 claims the details of the temporary defect list information and temporary disc structure information (inherent in claims 1, 7, and 14).

Regarding claims 16 and 31, 12/078336, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 24, respectively. Additionally, 12/078336 claims a defect list terminator (inherent in claims 1, 7, and 14 for indicating where the management information ends).

Regarding claim 25, 12/078336, in view of Ito '221, teaches everything claimed, as applied to claim 21. Additionally, US Patent 7,188,271 claims the specific type of recording medium (claims 1, 7, and 14).

Regarding claims 5, 17, 25, and 32, 12/078336, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21. However, 12/078336 does not claim the features of claims 5, 17, 25, and 32.

In the same field of endeavor, Ito '221 discloses the features of claims 5, 17, 25, and 32 as stated in section 3 of this Office action. Therefore, claims 5, 17, 25, and 32 are rejected on the same basis and for the same reason(s).

54. Claims 8 and 9 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-17 of copending Application No. 12/078336 in view of Ito '221, and further in view of Ito '909.

This is a provisional obviousness-type double patenting rejection.

Regarding claims 8 and 9, 12/078336, in view of Ito '221, teaches everything claimed, as applied to claim 2. However, 12/078336, in view of Ito '221, does not claim the features of claims 8 and 9.

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In the same field of endeavor, Ito '909 discloses the features of claims 8 and 9, as stated in section 4 of this Office action. Therefore, claims 8 and 9 are rejected on the same basis and for the same reason(s).

55. Claims 10 and 22 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-17 of copending Application No. 12/078336 in view of Ito '221, and further in view of Gotoh.

This is a provisional obviousness-type double patenting rejection.

Regarding claims 10 and 22, US Patent 7,188,271, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21. Additionally, 12/078336 claims the features of claims 10 and 22 that are in common with those found in claim 25, as stated in section 53 of this Office action. However, 12/078336 does not claim the remaining features of claims 10 and 22.

In the same field of endeavor, Gotoh discloses the remaining features of claims 10 and 22, as stated in section 5 of this Office action. Therefore, claims 10 and 22 are rejected on the same basis and for the same reason(s).

56. Claims 11 and 23 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-17 of copending Application No. 12/078336 in view of Ito '221, and further in view of Ito '909 and Gotoh.

This is a provisional obviousness-type double patenting rejection.

Regarding claims 11 and 23, 12/078336, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21. Additionally, 12/078336 claims the features of claims 11 and 23 that are in common with those found in claim 25, as stated in section 53 of this Office action. However, 12/078336 does not claim the remaining features of claims 11 and 23.

In the same field of endeavor, Ito '909 and Gotoh discloses the remaining features of claims 11 and 23, as stated in section 6 of this Office action. Therefore, claims 11 and 23 are rejected on the same basis and for the same reason(s).

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57. Claims 18 and 33 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-17 of copending Application No. 12/078336 in view of Ito '221, and further in view of Ito '357.

This is a provisional obviousness-type double patenting rejection.

Regarding claims 18 and 33, 12/078336, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 24. However, 12/078336 does not claim the features of claims 18 and 33.

In the same field of endeavor, Ito '357 discloses the remaining features of claims 18 and 33, as stated in section 7 of this Office action. Therefore, claims 18 and 33 are rejected on the same basis and for the same reason(s).

58. Claims 1, 2, 5, 16, 17, 21, 24, 25, 31, 32, 36, and 37 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-8 of copending Application No. 12/242699 in view of Ito '221.

This is a provisional obviousness-type double patenting rejection.

Regarding claims 1, 21, and 36, 12/242699 claims a method for managing an optical recording medium (and associated optical recording medium and an apparatus for managing an optical recording medium) having at least one temporary defect management area (TDMA) and at least one defect management area (DMA) (claims 5-8), said method comprising:

writing the defect management information written in the at least one temporary defect management area to the at least one defect management area when the optical recording medium is to be finalized (claims 5-8).

However, 12/242699 does not claim the remaining limitations of claims 1, 21, and 36.

In the same field of endeavor, Ito '221 discloses the features of claims 1, 21, and 36 as stated in the section 3 of this Office action. Therefore, claims 1, 21, and 36 are rejected on the same basis and for the same reason(s).

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Regarding claims 2, 24, and 37, 12/242699, in view of Ito '221, teaches everything claimed, as applied to claims 1, 21, and 36, respectively. Additionally, 12/242699 claims the details of the temporary defect list information and temporary disc structure information (inherent in claims 5-8).

Regarding claims 16 and 31, 12/242699, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 24, respectively. Additionally, 12/242699 claims a defect list terminator (inherent in claims 5-8 for indicating where the temporary management area ends).

Regarding claim 25, 12/242699, in view of Ito '221, teaches everything claimed, as applied to claim 21. Additionally, US Patent 7,188,271 claims the specific type of recording medium (claims 5-8).

Regarding claims 5, 17, 24, 25, and 32, 12/242699, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21. However, 12/242699 does not claim the features of claims 5, 17, 24, 25, and 32.

In the same field of endeavor, Ito '221 discloses the features of claims 5, 17, 24, 25, and 32 as stated in section 3 of this Office action. Therefore, claims 5, 17, 24, 25, and 32 are rejected on the same basis and for the same reason(s).

59. Claims 8 and 9 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-8 of copending Application No. 12/242699 in view of Ito '221, and further in view of Ito '909.

This is a provisional obviousness-type double patenting rejection.

Regarding claims 8 and 9, 12/242699, in view of Ito '221, teaches everything claimed, as applied to claim 2. However, 12/242699, in view of Ito '221, does not claim the features of claims 8 and 9.

In the same field of endeavor, Ito '909 discloses the features of claims 8 and 9, as stated in section 4 of this Office action. Therefore, claims 8 and 9 are rejected on the same basis and for the same reason(s).

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60. Claims 10 and 22 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-8 of copending Application No. 12/242699 in view of Ito '221, and further in view of Gotoh.

This is a provisional obviousness-type double patenting rejection.

Regarding claims 10 and 22, US Patent 7,188,271, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21. Additionally, 12/242699 claims the features of claims 10 and 22 that are in common with those found in claim 25, as stated in section 58 of this Office action. However, 12/242699 does not claim the remaining features of claims 10 and 22.

In the same field of endeavor, Gotoh discloses the remaining features of claims 10 and 22, as stated in section 5 of this Office action. Therefore, claims 10 and 22 are rejected on the same basis and for the same reason(s).

61. Claims 11 and 23 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-8 of copending Application No. 12/242699 in view of Ito '221, and further in view of Ito '909 and Gotoh.

This is a provisional obviousness-type double patenting rejection.

Regarding claims 11 and 23, 12/242699, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21. Additionally, 12/242699 claims the features of claims 11 and 23 that are in common with those found in claim 25, as stated in section 58 of this Office action. However, 12/242699 does not claim the remaining features of claims 11 and 23.

In the same field of endeavor, Ito '909 and Gotoh discloses the remaining features of claims 11 and 23, as stated in section 6 of this Office action. Therefore, claims 11 and 23 are rejected on the same basis and for the same reason(s).

62. Claims 18 and 33 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-8 of copending Application No. 12/242699 in view of Ito '221, and further in view of Ito '357.



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This is a provisional obviousness-type double patenting rejection.

Regarding claims 18 and 33, 12/242699, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 24. However, 12/242699 does not claim the features of claims 18 and 33.

In the same field of endeavor, Ito '357 discloses the remaining features of claims 18 and 33, as stated in section 7 of this Office action. Therefore, claims 18 and 33 are rejected on the same basis and for the same reason(s).

63. Claims 1, 2, 5, 16, 17, 21, 24, 25, 31, 32, 36, and 37 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-25 of copending Application No. 12/346549 in view of Ito '221.

This is a provisional obviousness-type double patenting rejection.

Regarding claims 1, 21, and 36, 12/346549 claims a method for managing an optical recording medium (and associated optical recording medium and an apparatus for managing an optical recording medium) having at least one temporary defect management area (TDMA) and at least one defect management area (DMA) and at least a spare area (claims 1, 8, 15, 20, and 23), said method comprising:

writing the defect management information written in the at least one temporary defect management area to the at least one defect management area when the optical recording medium is to be finalized (claims 1, 8, 15, 20, and 23).

However, 12/346549 does not claim the remaining limitations of claims 1, 21, and 36.

In the same field of endeavor, Ito '221 discloses the features of claims 1, 21, and 36 as stated in the section 3 of this Office action. Therefore, claims 1, 21, and 36 are rejected on the same basis and for the same reason(s).

Regarding claims 2, 24, and 37, 12/346549, in view of Ito '221, teaches everything claimed, as applied to claims 1, 21, and 36, respectively. Additionally, 12/346549 claims the details of the temporary defect list information and temporary disc structure information (inherent in the temporary management information of claims 1, 8, 15, 20, and 23).

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Regarding claims 16 and 31, 12/346549, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 24, respectively. Additionally, 12/346549 claims a defect list terminator (inherent in claims 5 for indicating when the temporary management area is full).

Regarding claim 25, 12/346549, in view of Ito '221, teaches everything claimed, as applied to claim 21. Additionally, US Patent 7,188,271 claims the specific type of recording medium (claims 1, 8, 15, 20, and 23).

Regarding claims 5, 17, 25, and 32, 12/346549, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21. However, 12/346549 does not claim the features of claims 5, 17, 25, and 32.

In the same field of endeavor, Ito '221 discloses the features of claims 5, 17, 25, and 32 as stated in section 3 of this Office action. Therefore, claims 5, 17, 25, and 32 are rejected on the same basis and for the same reason(s).

64. Claims 8 and 9 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-25 of copending Application No. 12/346549 in view of Ito '221, and further in view of Ito '909.

This is a provisional obviousness-type double patenting rejection.

Regarding claims 8 and 9, 12/346549, in view of Ito '221, teaches everything claimed, as applied to claim 2. However, 12/346549, in view of Ito '221, does not claim the features of claims 8 and 9.

In the same field of endeavor, Ito '909 discloses the features of claims 8 and 9, as stated in section 4 of this Office action. Therefore, claims 8 and 9 are rejected on the same basis and for the same reason(s).

65. Claims 10 and 22 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-25 of copending Application No. 12/346549 in view of Ito '221, and further in view of Gotoh.

This is a provisional obviousness-type double patenting rejection.

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Regarding claims 10 and 22, US Patent 7,188,271, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21. Additionally, 12/346549 claims the features of claims 10 and 22 that are in common with those found in claim 25, as stated in section 63 of this Office action. However, 12/346549 does not claim the remaining features of claims 10 and 22.

In the same field of endeavor, Gotoh discloses the remaining features of claims 10 and 22, as stated in section 5 of this Office action. Therefore, claims 10 and 22 are rejected on the same basis and for the same reason(s).

66. Claims 11 and 23 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-25 of copending Application No. 12/346549 in view of Ito '221, and further in view of Ito '909 and Gotoh.

This is a provisional obviousness-type double patenting rejection.

Regarding claims 11 and 23, 12/346549, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21. Additionally, 12/346549 claims the features of claims 11 and 23 that are in common with those found in claim 25, as stated in section 63 of this Office action, as well as multiple layers (at least claim 7). However, 12/346549 does not claim the remaining features of claims 11 and 23.

In the same field of endeavor, Ito '909 and Gotoh discloses the remaining features of claims 11 and 23, as stated in section 6 of this Office action. Therefore, claims 11 and 23 are rejected on the same basis and for the same reason(s).

67. Claims 18 and 33 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-25 of copending Application No. 12/346549 in view of Ito '221, and further in view of Ito '357.

This is a provisional obviousness-type double patenting rejection.

Regarding claims 18 and 33, 12/346549, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 24. However, 12/346549 does not claim the features of claims 18 and 33.

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In the same field of endeavor, Ito '357 discloses the remaining features of claims 18 and 33, as stated in section 7 of this Office action. Therefore, claims 18 and 33 are rejected on the same basis and for the same reason(s).

68. Claims 1, 2, 5, 16, 17, 21, 24, 25, 31, 32, 36, and 37 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-45 of copending Application No. 12/340457 in view of Ito '221.

This is a provisional obviousness-type double patenting rejection.

Regarding claims 1, 21, and 36, 12/340457 claims a method for managing an optical recording medium (and associated optical recording medium and an apparatus for managing an optical recording medium) having at least one temporary defect management area (TDMA) and at least one defect management area (DMA) (claims 1, 3, 9, 11, 17, 27, and 37-39), said method comprising:

writing the defect management information written in the at least one temporary defect management area to the at least one defect management area when the optical recording medium is to be finalized (claims 1, 3, 9, 11, 17, 27, and 37-39).

However, 12/340457 does not claim the remaining limitations of claims 1, 21, and 36.

In the same field of endeavor, Ito '221 discloses the features of claims 1, 21, and 36 as stated in the section 3 of this Office action. Therefore, claims 1, 21, and 36 are rejected on the same basis and for the same reason(s).

Regarding claims 2, 24, and 37, 12/340457, in view of Ito '221, teaches everything claimed, as applied to claims 1, 21, and 36, respectively. Additionally, 12/340457 claims the details of the temporary defect list information and temporary disc structure information (inherent in the temporary management information of claims 1, 3, 9, 11, 17, 27, and 37-39).

Regarding claims 16 and 31, 12/340457, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 24, respectively. Additionally, 12/340457 claims a defect list terminator (inherent in claims 1, 3, 9, 11, 17, 27, and 37-39 for indicating were the temporary management areas end).

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Regarding claim 25, 12/340457, in view of Ito '221, teaches everything claimed, as applied to claim 21. Additionally, US Patent 7,188,271 claims the specific type of recording medium (claims 1, 9, 17, 27, and 37-39).

Regarding claims 5, 17, 25, and 32, 12/340457, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21. However, 12/340457 does not claim the features of claims 5, 17, 25, and 32.

In the same field of endeavor, Ito '221 discloses the features of claims 5, 17, 25, and 32 as stated in section 3 of this Office action. Therefore, claims 5, 17, 25, and 32 are rejected on the same basis and for the same reason(s).

69. Claims 8 and 9 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-45 of copending Application No. 12/340457 in view of Ito '221, and further in view of Ito '909.

This is a provisional obviousness-type double patenting rejection.

Regarding claims 8 and 9, 12/340457, in view of Ito '221, teaches everything claimed, as applied to claim 2. However, 12/340457, in view of Ito '221, does not claim the features of claims 8 and 9.

In the same field of endeavor, Ito '909 discloses the features of claims 8 and 9, as stated in section 4 of this Office action. Therefore, claims 8 and 9 are rejected on the same basis and for the same reason(s).

70. Claims 10 and 22 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-45 of copending Application No. 12/340457 in view of Ito '221, and further in view of Gotoh.

This is a provisional obviousness-type double patenting rejection.

Regarding claims 10 and 22, US Patent 7,188,271, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21. Additionally, 12/340457 claims the features of claims 10 and 22

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that are in common with those found in claim 25, as stated in section 68 of this Office action. However, 12/340457 does not claim the remaining features of claims 10 and 22.

In the same field of endeavor, Gotoh discloses the remaining features of claims 10 and 22, as stated in section 5 of this Office action. Therefore, claims 10 and 22 are rejected on the same basis and for the same reason(s).

71. Claims 11 and 23 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-45 of copending Application No. 12/340457 in view of Ito '221, and further in view of Ito '909 and Gotoh.

This is a provisional obviousness-type double patenting rejection.

Regarding claims 11 and 23, 12/340457, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 21. Additionally, 12/340457 claims the features of claims 11 and 23 that are in common with those found in claim 25, as stated in section 68 of this Office action. However, 12/340457 does not claim the remaining features of claims 11 and 23.

In the same field of endeavor, Ito '909 and Gotoh discloses the remaining features of claims 11 and 23, as stated in section 6 of this Office action. Therefore, claims 11 and 23 are rejected on the same basis and for the same reason(s).

72. Claims 18 and 33 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-45 of copending Application No. 12/340457 in view of Ito '221, and further in view of Ito '357.

This is a provisional obviousness-type double patenting rejection.

Regarding claims 18 and 33, 12/340457, in view of Ito '221, teaches everything claimed, as applied to claims 2 and 24. However, 12/340457 does not claim the features of claims 18 and 33.

In the same field of endeavor, Ito '357 discloses the remaining features of claims 18 and 33, as stated in section 7 of this Office action. Therefore, claims 18 and 33 are rejected on the same basis and for the same reason(s).

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***Citation of Relevant Prior Art***

73. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- a. Mizumoto et al (US Patent 5,289,450) disclose the concept of creating a permanent TOC from a temporary TOC when finalizing a write-once disc.

***Allowable Subject Matter***

74. Claims 1, 21, and 36, and claims 2, 5, 8-11, 16-18, 22-25, 31-33, and 37 with their respective parent claim(s), would be allowable if rewritten or amended to overcome the double patenting rejections set forth in this Office action, or upon the filing of a proper Terminal Disclaimer.

75. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record, either alone or in combination, fails to teach or fairly suggest, in claims 1, 21, and 36, where *writing the defect management information written in the at least one temporary defect management area to the at least one defect management area when the optical recording medium is to be finalized (as found in claim 1 and similarly found in claims 21 and 36)*, in combination with the remaining limitations of each claim.

***Closing Remarks/Comments***

76. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Danielsen whose telephone number is (571)272-4248. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:00 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A.L. Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Craig A. Renner/  
Primary Examiner, Art Unit 2627

/ND/  
06/03/2009